N	
ح	

	Application No.	Applicant(s)	
	10/667,782	SCHLIEPHAKE ET	AL.
Notice of Allowability	Examiner	Art Unit	
	Karl J. Puttlitz	1621	
The MAILING DATE of this communication apper All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI	(OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to	olication. If not include will be mailed in due	ed course. <b>THIS</b>
1. X This communication is responsive to Reply filed 12/21/200	<u>14</u> .	,	
2. The allowed claim(s) is/are 1-16.		,	
3. $\square$ The drawings filed on <u>15 January 2004</u> are accepted by th	e Examiner.		
<ul> <li>4.  Acknowledgment is made of a claim for foreign priority ur</li> <li>a)  All b)  Some* c)  None of the:</li> <li>1.  Certified copies of the priority documents have</li> <li>2.  Certified copies of the priority documents have</li> <li>3.  Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)).</li> <li>* Certified copies not received:</li> </ul>	e been received. e been received in Application No		tion from the
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file a reply MENT of this application.	complying with the red	quirements
5. A SUBSTITUTE OATH OR DECLARATION must be subminformal PATENT APPLICATION (PTO-152) which give			IOTICE OF
<ol> <li>CORRECTED DRAWINGS ( as "replacement sheets") must</li> <li>(a)  including changes required by the Notice of Draftspers</li> <li>1)  hereto or 2)  to Paper No./Mail Date</li> <li>(b)  including changes required by the attached Examiner' Paper No./Mail Date</li> <li>Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the process of the pro</li></ol>	son's Patent Drawing Review(PTO- s Amendment / Comment or in the C .84(c)) should be written on the drawir	office action of	e back) of
<ol> <li>DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT</li> </ol>	sit of BIOLOGICAL MATERIAL IN FOR THE DEPOSIT OF BIOLOGICA	nust be submitted. I AL MATERIAL.	Note the
	•		
Attachment(s)  1. Notice of References Cited (PTO-892)  2. Notice of Draftperson's Patent Drawing Review (PTO-948)  3. Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date	8. ⊠ Examiner's Stateme	(PTO-413), te nent/Comment	
of Biological Material  JUNGALINI  SUPERVISION PAN  GROUP 1	9. Other		

Application/Control Number: 10/667,782

Art Unit: 1621

## **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Neither Eck nor Ember fail to motivate those of ordinary skill to modify their teachings to include the specific radial compressor of the instant process.

Moreover, the references are silent with regards to the unexpected benefits of using a radial compressor. Specifically, other compressors, e.g. axial compressors, require that the process be stopped due to deposits, as shown by the comparative example in the specification, page 13.

The examiner notes the potential conflict under obviousness-type double patenting with claim 4 of copending application serial no. 10/912,075. Notwithstanding the merits of the rejection, however, the instant application is passed to issuance. See M.P.E.P. § 804 ("If the "provisional" double patenting rejections in both applications are the only rejections remaining in those applications, the examiner should then withdraw that rejection in one of the applications (e.g., the application with the earlier filing date) and permit the application to issue as a patent. The examiner should maintain the double patenting rejection in the other application as a "provisional" double patenting rejection which will be converted into a double patenting rejection when the one application issues as a patent.").

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1621

## Information Disclosure Statement

The information disclosure statement filed 11/2/2004 fails to comply with 37 CFR 1.98(a)(1), which requires a column that provides a blank space next to each document to be considered, for the examiner's initials. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl J. Puttlitz whose telephone number is (571) 272-0645. The examiner can normally be reached on Monday-Friday (alternate).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571) 272-0646.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist.

Karl J. Puttlitz Assistant Examiner

Johann R. Richter, Ph.D., Esq. Supervisory Patent Examiner

Biotechnology and Organic Chemistry

Art Unit 1621 (571) 272-0646